

CLOSED

**U.S. District Court  
District Of Montana (Missoula)  
CIVIL DOCKET FOR CASE #: 9:11-cv-00095-DWM**

Kowack v. United States Forest Service et al  
Assigned to: Judge Donald W. Molloy  
Cause: 05:552 Freedom of Information Act

Date Filed: 06/27/2011  
Date Terminated: 08/24/2012  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Mark Kowack**

represented by **Stacey Weldele-Wade**  
ANTONIOLI AND WADE  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**United States Forest Service**  
*an Agency of the United States*  
*Department of Agriculture*

represented by **George F. Darragh, Jr.**  
OFFICE OF THE U.S. ATTORNEY  
PO Box 3447  
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**ATTORNEY TO BE NOTICED**

**Defendant**

**Thomas L. Tidwell**  
*Chief of the United States Forest Service*

represented by **George F. Darragh, Jr.**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
06/27/2011	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$350 receipt number 0977-903793), filed by Mark Kowack. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Civil Cover Sheet) (NOS, ) (Entered: 06/28/2011)
06/28/2011	<u>2</u>	Summons Issued as to All Defendants, U.S. Attorney and U.S. Attorney General. Original mailed to Plaintiff's counsel this date. (NOS, ) (Entered: 06/28/2011)
07/26/2011	<u>3</u>	<i>Defendant's</i> ANSWER to <u>1</u> Complaint by Thomas L. Tidwell, United States Forest Service. (Darragh, George) (Entered: 07/26/2011)
07/27/2011	<u>4</u>	PRELIMINARY PRETRIAL CONFERENCE ORDER: Preliminary Pretrial Statement due by 10/14/2011. Joint Discovery Plan due by 10/14/2011. Pretrial Conference set for 10/21/2011 at 1:30 PM in the Russell Smith Courthouse, Missoula, MT before Judge Donald W. Molloy. Signed by Judge Donald W. Molloy on 7/27/2011. (dle) (Entered: 07/27/2011)
09/12/2011	<u>5</u>	MOTION for In-Camera Inspection Stacey Weldele-Wade appearing for Plaintiff Mark Kowack (Weldele-Wade, Stacey) (Entered: 09/12/2011)

09/12/2011		NOTICE REGARDING ELECTRONIC DATE: re <u>5</u> MOTION for <i>In-Camera Inspection</i> . The signature on this document does not comply with Local Rules or the CM/ECF Administrative Procedures Manual, or the document is not dated. This notice is for your information for future filings. THIS IS A TEXT ONLY ENTRY. A PDF DOCUMENT IS NOT ATTACHED TO THIS ENTRY. (BAW, ) (Entered: 09/12/2011)
09/19/2011	<u>6</u>	RESPONSE to Motion re <u>5</u> MOTION for <i>In-Camera Inspection</i> filed by Thomas L. Tidwell, United States Forest Service. (Darragh, George) (Entered: 09/19/2011)
09/20/2011	<u>7</u>	NOTICE re <u>5</u> by Mark Kowack to Court (Weldele-Wade, Stacey) . (Entered: 09/20/2011)
09/29/2011	<u>8</u>	REPLY to Response to Motion re <u>5</u> MOTION for <i>In-Camera Inspection</i> filed by Mark Kowack. (Weldele-Wade, Stacey) (Entered: 09/29/2011)
09/30/2011	<u>9</u>	Notice of Correction: re <u>8</u> Reply to Response to Motion; Counsel did not file a Certificate of Compliance per Local Rule 7.1(d)(2). Counsel to file a separate Notice of Certificate of Compliance re document <u>8</u> . (BAW, ) (Entered: 09/30/2011)
09/30/2011	<u>10</u>	Brief/Response to Order re <u>8</u> Reply to Response to Motion <i>Certificate of Compliance for Reply Brief</i> filed by Mark Kowack. (Weldele-Wade, Stacey) . (Entered: 09/30/2011)
09/30/2011		Notice of Incorrect Docket Event: re <u>10</u> Brief/Response to Order. Incorrect event used: brief/response to order. correct event to use: notice. THIS IS A TEXT ONLY ENTRY. A PDF DOCUMENT IS NOT ATTACHED TO THIS ENTRY. COUNSEL TO REFILE CERTIFICATE OF COMPLIANCE USING "Notice". (BAW, ) (Entered: 09/30/2011)
10/04/2011	<u>11</u>	ORDER denying <u>5</u> Motion for an in camera inspection of documents. IT IS FURTHER ORDERED that Defendants shall file a public Vaughn Index and their motion for summary judgment within 30 days of this Order, and that all deadlines in the 7/7/2011 Order are VACATED. Signed by Judge Donald W. Molloy on 10/4/2011. (dle) (Entered: 10/04/2011)
10/06/2011	<u>12</u>	NOTICE by Mark Kowack <i>Certificate of Compliance Document No. 8</i> (Weldele-Wade, Stacey) (Entered: 10/06/2011)
11/02/2011	<u>13</u>	MOTION for Summary Judgment George F. Darragh, Jr appearing for Defendants Thomas L. Tidwell, United States Forest Service (Darragh, George) (Entered: 11/02/2011)
11/02/2011	<u>14</u>	Brief/Memorandum in Support re <u>13</u> MOTION for Summary Judgment filed by Thomas L. Tidwell, United States Forest Service. (Darragh, George) (Entered: 11/02/2011)
11/02/2011	<u>15</u>	Statement of Undisputed Fact re: <u>13</u> MOTION for Summary Judgment by Thomas L. Tidwell, United States Forest Service filed by Thomas L. Tidwell, United States Forest Service. (Attachments: # <u>1</u> Attachment 1, Turner Declaration, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I) (Darragh, George) (Entered: 11/02/2011)
11/23/2011	<u>16</u>	RESPONSE to Motion re <u>13</u> MOTION for Summary Judgment filed by Mark Kowack. (Weldele-Wade, Stacey) (Entered: 11/23/2011)
11/23/2011	<u>17</u>	Statement of Genuine Issues re: <u>14</u> Brief/Memorandum in Support, <u>16</u> Response to Motion, <u>13</u> MOTION for Summary Judgment , <u>15</u> Statement of Undisputed Fact, filed by Mark Kowack. (Attachments: # <u>1</u> Affidavit Kowack, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L, # <u>14</u> Exhibit M, # <u>15</u> Exhibit N, # <u>16</u> Exhibit O, # <u>17</u> Exhibit P, # <u>18</u> Exhibit Q, # <u>19</u> Exhibit 2) (Weldele-Wade, Stacey) (Entered: 11/23/2011)
12/01/2011	<u>18</u>	MOTION for Extension of Time to File Response/Reply as to <u>16</u> Response to Motion George F. Darragh, Jr appearing for Defendants Thomas L. Tidwell, United States Forest Service (Attachments: # <u>1</u> Text of Proposed Order) (Darragh, George) (Entered: 12/01/2011)

12/01/2011	<u>19</u>	ORDER granting <u>18</u> Motion for Extension of Time to File Response/Reply re <u>13</u> MOTION for Summary Judgment. Replies due by 12/21/2011. Signed by Judge Donald W. Molloy on 12/1/2011. (dle) (Entered: 12/01/2011)
12/21/2011	<u>20</u>	REPLY to Response to Motion re <u>13</u> MOTION for Summary Judgment filed by Thomas L. Tidwell, United States Forest Service. (Attachments: # <u>1</u> Attachment No. 1 – Departmental Regulation 4070–735–001, # <u>2</u> Attachment No. 2 – Declaration of Lisa Fisher, # <u>3</u> Attachment No. 3 – Amended Declaration of Sharon L. Turner) (Darragh, George) (Entered: 12/21/2011)
08/24/2012	<u>21</u>	ORDER granting <u>13</u> Motion for Summary Judgment Signed by Judge Donald W. Molloy on 8/24/2012. (BAW, ) (Entered: 08/24/2012)
08/24/2012	<u>22</u>	JUDGMENT entered in favor of United States Forest Service, Thomas L. Tidwell and against Mark Kowack pursuant to Order <u>21</u> . (BAW, ) (Entered: 08/24/2012)